

Message Text

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INFO OCT-01 EUR-12 EA-10 ISO-00 OES-07 ACDA-12 CIAE-00

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APPROVED BY OES/NET:LVNOSENZO

DOE - MR. SLAWSON (INFO)

DOE - MR. BRUSH (INFO)

ACDA - MR. VANDOREN (INFO)

ACDA - MR. MARSHALL (INFO)

NRC - MR. GUHIN (INFO)

NRC - MR. STOIBER (INFO)

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FM SECSTATE WASHDC

TO AMEMBASSY VIENNA PRIORITY

INFO AMEMBASSY KUALA LUMPUR PRIORITY

C O N F I D E N T I A L STATE 269709

USIAEA

E.O. 11652: GDS

TAGS: IAEA, TECH, MY

SUBJECT: RESEARCH REACTOR AND FUEL FOR MALAYSIA

REF: VIENNA 9750; VIENNA 9798

1. WE APPRECIATE YOUR CONCERN THAT THE US MOVE FORWARD QUICKLY ON THE PROJECT AGREEMENT COVERING THE TRANSFER OF A RESEARCH REACTOR AND FUEL TO MALAYSIA THROUGH THE AGENCY, SINCE PRESIDENT CARTER INFORMED THE MALAYSIAN PRIME MINISTER OF OUR AGREEMENT IN PRINCIPLE TO THIS
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TRANSFER OVER A MONTH AGO. UNFORTUNATELY, THE WORKLOAD IN WASHINGTON HAS PREVENTED US FROM MOVING MORE RAPIDLY. HOWEVER, WE HAVE NOW PREPARED AN INITIAL DRAFT. WE HOPE TO BE IN A POSITION TO PROVIDE THE DRAFT TO YOU IN THE -
NEAR FUTURE. WE WILL ALSO TAKE INTO ACCOUNT THE DRAFT JUST RECEIVED IN VIENNA 9798.

2. THE DRAFT AGREEMENT FOR THE MEXICAN TRANSFER WAS IN

THE PROCESS OF FORMULATION BEFORE BOTH THE LEGISLATION AND OUR THINKING HAD BEEN CLARIFIED. IN ORDER TO AVOID REPEATED REDRAFTING, WE TREATED IT AS AN INTERIM AND NON-PRECEDENTIAL TEXT. WE ARE TRYING TO FORMULATE THE MALAYSIAN TEXT--WHICH CERTAINLY WILL BE A PRECEDENT FOR OTHER AGENCY PROJECT AGREEMENTS--TO MEET ALL THE NEW CRITERIA IN THE ANTICIPATED LEGISLATION. IN THIS REGARD,

WE NOTE THAT ALL VERSIONS OF THE NON-PROLIFERATION BILL (INCLUDING THE ADMINISTRATION'S PROPOSAL) REQUIRE US TO RENEGOTIATE EXISTING COOPERATION AGREEMENTS OR "OTHERWISE TO OBTAIN THE AGREEMENT OF THE PARTIES TO SUCH AGREEMENTS" TO THE UNDERTAKINGS THAT WOULD BE REQUIRED IN NEW AGREEMENTS BY THE ANTICIPATED LAW. THEREFORE, TAKING INTO ACCOUNT THAT WE MAY WELL ENCOUNTER DIFFICULTIES IN RENEGOTIATING THE US/IAEA AGREEMENT FOR COOPERATION, WE WILL BE SEEKING TO OBTAIN IN PROJECT AGREEMENTS THE SUBSTANCE OF PROVISIONS WE ANTICIPATE REQUIRING IN RENEGOTIATED BILATERAL AGREEMENTS. IN ADDITION, THERE ARE IMPROVEMENTS IN SEVERAL PROVISIONS THAT WE WILL BE SEEKING ACROSS-THE-BOARD FOR POLICY REASONS (E.G., TIGHTENING UP THE LANGUAGE ON US BACK-UP BILATERAL SAFEGUARDS RIGHTS); TO PUT WEAKER PROVISIONS IN THE MALAYSIAN AGREEMENT WOULD UNDERCUT OUR PROSPECTS FOR ACHIEVING THEM IN OTHER PROJECT AGREEMENTS. IT IS FOR THESE REASONS THAT TIME IS REQUIRED TO GET THE AGREEMENT INTO PROPER SHAPE.
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